



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live.*

Joseph E. Kernan  
Governor

Lori F. Kaplan  
Commissioner

COPY

Tuchman Cleaners

Site # 199102503

General Correspondence

www.IN.gov/idem

September 18, 2003

**VIA CERTIFIED MAIL 7002 0510 0003 8225 5912**

The Estate of Mr. George Pulos & Ms. Katherine Theofanis  
c/o Mr. Spero Pulos  
10283 Parkway Drive  
Fishers, IN 46038

Re: Request for information concerning  
the property located at 4449  
Allisonville Rd.  
Indianapolis, Indiana

Dear Mr. Pulos and Ms. Theofanis,

The Indiana Department of Environmental Management ("IDEM") is currently investigating the source, extent, and nature of the release or threatened release of hazardous substances or contaminants and/or petroleum substances on, or about, the site known as the Tuchman Cleaners Site (hereinafter "the Site") located at 4401 N. Keystone Avenue in Indianapolis, Marion County. IDEM is seeking to identify activities, materials, and parties that may have contributed to contamination at the Site in order to determine the full nature and extent of hazardous substances and/or contaminants at or emanating from the Site.

As the owner of the property located at 4449 Allisonville Road (hereinafter "the Allisonville Road Property"), which is nearby or adjacent to the Site, and on which a dry cleaning and/or laundering business has formerly operated, IDEM believes that you may possess information that can assist IDEM in its investigation.<sup>1</sup> Site investigations to date indicate that contamination found in the area's shallow groundwater aquifer, upgradient of the existing facility at the Site, may be emanating from the Allisonville Road Property. As part of IDEM's investigation we are, by this letter, requiring you to furnish information or documents relating to the identification, nature, and quantity of hazardous substances or contaminants and/or petroleum substances that have been or are generated, treated, stored, or disposed of at or transported to the Allisonville Road Property.

<sup>1</sup> IDEM understands that Mr. George Pulos is recently deceased and that the disposition of his ownership share in this property is yet to be determined. However, IDEM requests that this letter be answered by whichever family member and/or executor of Mr. Pulos' estate can most adequately respond with the information requested. If Mr. Pulos' family and/or executor of his estate wishes to have Ms. Theofanis respond on behalf of Mr. Pulos, that is also acceptable to IDEM.

IDEM's information gathering authority allows the agency to require persons to furnish information or documents relating to hazardous substances or contaminants for the purpose of determining the need for removal or remedial action under IND. CODE §§ 13-25-4-5 and/or 13-24-1-6. While IDEM seeks your cooperation in this investigation, compliance with this Information Request is required by law.

Pursuant to the authority of IND. CODE §§ 13-25-4-5 and/or 13-24-1-6, you are hereby requested to respond to the Information Request enclosed. Failure to respond fully and truthfully to the Information Request within thirty (30) days of the receipt of this letter, or to adequately justify a failure to respond, can result in enforcement action by IDEM pursuant to IND. CODE §§ 13-30-3 and/or 13-14-2. This enforcement action may seek the imposition of daily monetary penalties for every day of noncompliance with this request. See IND. CODE § 13-30-4-1 (1998); see also IND. CODE § 13-14-2-6 (1998). Failure to provide IDEM with the information requested could result, in addition to an enforcement action, in IDEM seeking the assistance of the U.S. Environmental Protection Agency ("U.S. EPA") and use of U.S. EPA's information request and enforcement authorities in order to compile the information needed by IDEM to assess the hazardous substances contamination at the Site. See 42 U.S.C. §§ 9604(e)(1)-(4) (outlining information gathering and access authorities under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA")).

IDEM defines non-compliance as failure to respond to the Request as well as failure to respond accurately, completely, and truthfully to this and any subsequent Requests. Be further advised that the provision of false, misleading, fictitious, or fraudulent statements or representations may subject you to criminal penalties under IND. CODE § 13-30-6-2 of fines and up to one hundred and eighty (180) days of imprisonment, or under IND. CODE § 13-30-6-3 of fines and up to three (3) years of imprisonment.

Your response to this request should be mailed to:

Dawn M. Groves  
Office of Land Quality, State Cleanup Section  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room N1101  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015

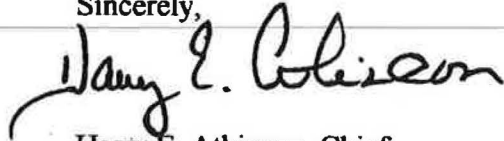
Any legal questions regarding this Information Request should be directed to Meredith Gramelspacher, IDEM Office of Legal Counsel, at (317) 233-1430 or [mgramels@dem.state.in.us](mailto:mgramels@dem.state.in.us). Any questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of the cleanup activities should be directed to Dawn Groves at (317) 234-0434 or [dgroves@dem.state.in.us](mailto:dgroves@dem.state.in.us).

If you have information about other parties (i.e., former owners of or operators at the Allisonville Road Property) who may have information that may assist IDEM in its investigation of the Site or may be responsible for the contamination at the Site, that information must be submitted to IDEM within the timeframe noted above.

Mr. Spero Pulos  
September 18, 2003  
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Due to the legal ramifications of failure to respond promptly and properly to this Information Request, IDEM strongly encourages you to give this matter your immediate attention. I thank you in advance for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry E. Atkinson". The signature is fluid and cursive, with the first name "Harry" being more prominent.

Harry E. Atkinson, Chief  
State Cleanup Section  
Office of Land Quality

DMG:tr

cc: Dawn Groves, IDEM OLQ  
Meredith Gramelspacher, IDEM OLC  
Mr. Joseph Eaton, Barnes & Thornburg, 11 S. Meridian Street, Indianapolis, IN 46204

## **INFORMATION REQUEST**

- 1) Identify the complete name(s) of the current owner(s) of the Allisonville Road Property and the operator(s) of any business operating on the Property. State the dates during which the current owner(s) and/or operator(s) owned, operated or leased any portion of the Property.
- 2) Identify all prior owners and operators of the Property, to the extent known.
- 3) Describe the nature of the activities or business(es) at the Property (during your ownership and before, if known), with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or petroleum or other materials at the Property.
- 4) Did you or any business operating on the Property during your ownership (or earlier, if known) ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Property any hazardous substances or petroleum? If the answer to the preceding question is anything but an unqualified "no," identify:
  - a) In general terms, the nature and quantity of the hazardous substances or petroleum so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
  - b) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance or petroleum so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
  - c) The persons who supplied you with each such hazardous substance or petroleum.
  - d) How each such hazardous substance or petroleum was used, purchased, generated, stored, treated, transported, disposed or otherwise handled.
  - e) When each such hazardous substance or petroleum was used, purchased, generated, stored, treated, transported, disposed or otherwise handled.
  - f) Where each such hazardous substance or petroleum was used, purchased, generated, stored, treated, transported, disposed or otherwise handled.
  - g) The quantity of each such hazardous substance or petroleum used, purchased, generated, stored, treated, transported, disposed or otherwise handled.
- 5) Describe all occurrences associated with environmental violations, citations, deficiencies, and/or accidents concerning the Property within the time of your ownership or within the last 20 years, if known. Provide copies of all documents (e.g., notice of violation) associated with such an occurrence.
- 6) Provide a list of all local, state and federal environmental permits ever granted for a Facility or any part thereof (e.g., RCRA (hazardous waste) permits, NPDES (discharge) permits, etc.) on the Property.

- 7) Did any Facility on the Property ever file a Hazardous Waste Activity Notification under the Resource Conservation and Recovery Act (RCRA)? If so, provide a copy of such notification.
- 8) Did any Facility on the Property ever have "interim status" under the Resource Conservation and Recovery Act (RCRA)? If so, and the Facility does not currently have interim status, describe the circumstances under which the Facility lost interim status.
- 9) Provide information about the Property, including but not limited to the following:
- a) Property boundaries;
  - b) Location of underground utilities (telephone, electrical, sewer, water main, etc.);
  - c) Surface structures (e.g., buildings, tanks, etc.);
  - d) Groundwater wells, if any, including drilling logs;
  - e) Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied; and
  - f) Any and all additions, demolitions or changes of any kind on, under or about the Property, its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the Property.

If one or more maps shows this information, it/they may be supplied in response to the question.

- 10) Provide all reports, information or data related to soil, water (ground and surface), air quality, geology/hydrogeology, and contamination at and about the Property. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.
- 11) Describe the current conditions of any buildings at the Property. Your response is to include, but should not be limited to, the status of equipment (operating or dormant), general condition of the facility (e.g., leaking pipes, corroded drain or new piping installed), quality of maintenance (e.g., equipment in disrepair or inspected monthly), adherence to procedures (improper handling of chemicals, incomplete/absent policies, quality of supervision) and management of the facility.
- 12) Identify all leaks, spills, or releases into the environment of any hazardous substances or petroleum, pollutants, or contaminants that have occurred at or from the Property? In addition, identify:
- a) When such releases occurred;
  - b) How the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated).

- c) The amount of each hazardous substances, pollutants, or contaminants so released;
  - d) Where such releases occurred;
  - e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.
  - f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
  - g) All persons with information relating to these releases.
- 13) Was there ever a spill, leak, release or discharge of hazardous substances or petroleum into any subsurface disposal system or floor drain inside or under the any building? If the answer to the preceding question is anything but an unqualified "no", identify:
- a) Where the disposal system or floor drains were located;
  - b) When the disposal system or floor drains were installed;
  - c) Whether the disposal system or floor drains were connected to pipes;
  - d) Where such pipes were located and emptied;
  - e) When such pipes were installed;
  - f) How and when such pipes were replaced, or repaired; and
  - g) Whether such pipes ever leaked or in any way released hazardous substances or petroleum into the environment.
- 14) Has any contaminated soil ever been excavated or removed from the Property? Unless the answer to the preceding question is anything besides an unequivocal "no," identify:
- a) Amount of soil excavated;
  - b) Location of excavation;
  - c) Manner and place of disposal and/or storage of excavated soil;
  - d) Dates of soil excavation;
  - e) Identity of persons who excavated or removed the soil;
  - f) Reason for soil excavation;
  - g) Whether the excavation or removed soil contained hazardous substances or petroleum and why the soil contained such substances;
  - h) All analyses or tests and results of analyses of the soil that was removed from the Property;
  - i) All persons, including contractors, with information about (a) through (h) of this request.
- 15) Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology or air quality on or about the Property? If so, identify:
- a) What the nature and scope of these investigations will be;
  - b) The contractors or other persons that will undertake these investigations;
  - c) The purpose of the investigations;



- d) The dates when such investigations will take place and be completed; and
- e) Where on the Property such investigations will take place.

16) Describe all instances where the Property accepted waste from any company or person, or where the Property accepted substances which could be considered hazardous and not useful in their present form). Your response is to include the following:

- a) description of the waste sent to the Property;
- b) the types and quantity of the waste sent to the Property;
- c) the name of the person or company who transported the waste to the Property;
- d) the name of the person or company who sent the waste to the Property;
- e) the names of the person or company who originated the waste sent to the Property;
- f) the date(s) such wastes were sent to the Property;
- g) the state (i.e., liquid, solid, or gaseous) of the wastes sent to the Property, and the manner in which the wastes were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
- h) description of what the Property would do with the waste once received;
- i) the reason which led you to believe that the waste received was indeed waste when received by the Property Operator.
- j) the names of all customers who would receive a finished product which was composed of any waste described in this question.

17) If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

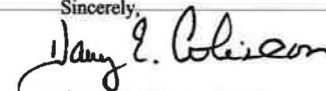
- a) the relevant document retention policy
- b) a description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction.
- c) a description of the type of information that would have been contained in the documents.
- d) the name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents.
- e) the names and most current address of any person(s) who may possess documents relevant to this inquiry.

- c) The amount of each hazardous substances, pollutants, or contaminants so released;
  - d) Where such releases occurred;
  - e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.
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Harry E. Atkinson, Chief  
State Cleanup Section  
Office of Land Quality

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Meredith Gramelspacher, IDEM OLC  
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